



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 6144-98
17 March 2000

Dear [REDACTED]

This is in reference to your request for further consideration of your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552, and your new request for correction of your record to show that you were retired from the Marine Corps because of a mental disorder.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 March 2000. The Board did not reconsider its earlier decisions denying your request for disability retirement for conditions of your feet because you did not submit any new material evidence of error or injustice concerning those conditions. Your allegations of error and injustice concerning your request for disability retirement for a mental disorder were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, available Navy and Department of Veterans Affairs medical records and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that in order to be retired by reason of physical disability because of a mental disorder, you must establish to the Board's satisfaction that you suffered from a mental disorder which was incurred in or aggravated by your service in the Marine Corps, that the disorder rendered you unfit by reason of physical disability, and that the disorder was ratable at or above 30% disabling at the time of your discharge in 1980.

Available records do not support the conclusion that you were suffering from a significant mental disorder while serving in the Marine Corps. In this regard, the Board noted that you underwent a psychiatric evaluation on 2 October 1980. You were referred for the

examination because you were not responding to treatment for your sore feet, and it was felt that you were seeking secondary gain and or being manipulative. You told the psychiatrist that you experienced foot pain after running three miles or more. You stated that you wanted to remain in the Marine Corps, and were disappointed about not deploying with your unit. You denied any other medical problems other than pseudofolliculitis barbae (shaving bumps). You did not complain of any psychiatric distress and were not seeking treatment. In addition, you denied "worry/anxiety". In the opinion of the psychiatrist who examined you, there was no psychiatric diagnosis, and he doubted that there was any conscious manipulation. He determined that no psychiatric follow-up was indicated. You completed a Standard Form 93, Report of Medical History, on 24 November 1980, and specifically denied a history of frequent trouble sleeping, depression or excessive worry, loss of memory or amnesia, nervous trouble of any sort, and periods of unconsciousness, among other conditions.

The Board rejected your completely unsubstantiated contention to the effect that you would have been found to be suffering from a significant mental disorder had you received a more thorough psychiatric evaluation prior to your discharge. Even if it is assumed, for the sake of argument, that you suffered from a significant mental disorder which was incurred in or aggravated by your service, there is no credible evidence that you were unfit to perform your duties because of a mental disorder.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director